

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Katherine Higginbotham	Team: Team # 8	CCRB Case #: 200700957	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/17/2007 6:00 PM	Location of Incident: the corner of § 87(2)(b) and § 87(2)(b)	Precinct: 81	18 Mo. SOL 7/17/2008	EO SOL 7/17/2008	
Date/Time CV Reported Sat, 01/20/2007 3:00 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 01/20/2007 3:00 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Timothy Schultz	10651	934158	073 PCT
2. POM Justin Caballero	30884	932392	073 PCT
3. POM John Rosa	10677	935645	PSA 3
4. An officer			
5. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Robert Mosca	09700	939081	079 PCT
2. POM John Siraco	11618	935753	PSA 3
3. POM Peter Colombini	03403	938250	BN IRT
4. POM Anthony Saunders	15013	895968	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Timothy Schultz	Abuse: PO Timothy Schultz stopped § 87(2)(b)	
B.POM Justin Caballero	Abuse: PO Justin Caballero stopped § 87(2)(b)	
C.POM Timothy Schultz	Abuse: PO Timothy Schultz searched § 87(2)(b)	
D.POM Timothy Schultz	Discourtesy: PO Timothy Schultz spoke rudely to § 87(2)(b)	
E.POM Timothy Schultz	Force: PO Timothy Schultz struck § 87(2)(b) with an asp.	
F.POM Justin Caballero	Force: PO Justin Caballero used physical force against § 87(2)(b)	
G. An officer	Force: An officer used physical force against § 87(2)(b)	
H.POM John Rosa	Off. Language: PO John Rosa made remarks to § 87(2)(b) based upon her sex and race.	

Officer(s)	Allegation	Investigator Recommendation
I.POM John Rosa	Abuse: PO John Rosa threatened to notify Administration for Children's Services.	[REDACTED]
J.POM John Rosa	Force: PO John Rosa used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
K. Officers	Discourtesy: Officers spoke rudely to § 87(2)(b) [REDACTED]	[REDACTED]
L. An officer	Abuse: An officer threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]
M. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
N. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
O.POM Justin Caballero	Abuse: PO Justin Caballero strip-searched § 87(2)(b) [REDACTED]	[REDACTED]

Synopsis

On January 17, 2007, around 6:00 p.m., § 87(2)(b) was standing inside § 87(2)(b) located on the corner of § 87(2)(b) and § 87(2)(b) in Brooklyn. PO Timothy Schultz and PO Justin Caballero from the 73rd Precinct entered the store and stopped § 87(2)(b) (Allegation A, B). PO Schultz searched § 87(2)(b)'s pockets (Allegation C). The officers told § 87(2)(b) to leave the store, and then they left the store. § 87(2)(b) left the store shortly thereafter and PO Schultz ran across the street and pulled on § 87(2)(b)'s jacket, telling him to get on the ground and saying, "Shut the fuck up. You're being an asshole" (Allegation D). PO Schultz struck § 87(2)(b) about the body with his asp (Allegation E). § 87(2)(b), § 87(2)(b)'s sister, was nearby and saw the altercation. She attempted to approach her brother and PO Caballero pushed her backward and said, "Get the fuck back," (Allegation F). The officers called for additional units and § 87(2)(b) called family members. § 87(2)(b) was taking officer's names, when an unknown officer punched her in the face (Allegation G). She was handcuffed by PO John Rosa and PO John Siraco from PSA 3. PO Rosa called her a "little black bitch," and when she expressed concern for her cousin told her, "Fuck your baby. We're calling ACS," (Allegation H, I, J, K). § 87(2)(b) was brought back to PSA 3 and placed under arrest. An unidentified officer swung an asp at § 87(2)(b), § 87(2)(b)'s brother, but did not strike him (Allegation L). An unidentified officer pushed § 87(2)(b), § 87(2)(b)'s mother (Allegation M). § 87(2)(b) was walking around the location when unknown officers pushed her (Allegation N). § 87(2)(b) was arrested and brought to the 79th Precinct. At the precinct, PO Caballero strip-searched § 87(2)(b) (Allegation O).

§ 87(2)(g), § 87(2)(b)
§ 87(2)(b)
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§ 87(2)(b). The CCRB placed five calls, leaving five messages, and sent two letters to § 87(2)(b) between February 5, 2007 and March 26, 2007. However, § 87(2)(b) did not contact the CCRB. § 87(2)(g), § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Summary of Complaint

§ 87(2)(b)

On January 17, 2007, § 87(2)(b) called IAB to make a complaint regarding the misconduct of a New York City police officer (encl.7a-c). § 87(2)(b) stated that officers approached his brother, § 87(2)(b) and told him that he had "zip." § 87(2)(b) stated that "some words were exchanged" and an officer swung a baton at § 87(2)(b), § 87(2)(b) and § 87(2)(b), § 87(2)(b)'s sisters, saw this happening, got out of their car and approached § 87(2)(b) and the officer, but an officer pushed them back. An officer also pushed § 87(2)(b)'s mother, § 87(2)(b) "very hard." An officer swung his baton at § 87(2)(b) but did not strike him, and another officer pulled him away from checking on his mother. § 87(2)(b) did not provide a statement to the CCRB.

On February 8, 2007, § 87(2)(b) made an appointment to come to the CCRB to make an official statement on February 12, 2007. He did not appear at the CCRB and did not call to explain his absence. Between February 12, 2007 and March 2, 2007, the CCRB called § 87(2)(b) three times and sent him two letters. However, he never contacted the CCRB.

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) stated to EMTs that she was punched in the face during an altercation with NYPD, but complained that she was suffering pain in her head as a result of a migraine,

when she was taken to the hospital from PSA 3. During triage at § 87(2)(b) on § 87(2)(b), she said that she had a headache because she was struck on the head by an unknown object. She also complained that an officer hit her in the face, resulting in a headache (encl.40a-l). On January 20, 2007, § 87(2)(b) called the CCRB to make a complaint regarding the misconduct of a New York City police officer (encl.8a-d). On January 29, 2007, § 87(2)(b) spoke to the CCRB by phone. On February 2, 2007, the CCRB interviewed § 87(2)(b) (encl.10a-d). § 87(2)(b) is a § 87(2)(b) black female with brown hair and brown eyes. She is 5'2" and weighs 135 pounds. § 87(2)(g)

On January 17, 2007, § 87(2)(b) was driving her § 87(2)(b) cousin in her van when she saw her brother, § 87(2)(b) walking down § 87(2)(b). He was not walking with anyone, nor did § 87(2)(b) see him stop to talk to anyone. § 87(2)(b) was driving up § 87(2)(b) towards § 87(2)(b). § 87(2)(b) saw two uniformed officers get out of a marked patrol car that was parked on the corner of § 87(2)(b) and § 87(2)(b) and run towards § 87(2)(b). PO Schultz, later identified as PO Timothy Schultz from the 73rd Precinct, was about 5'7" and had a medium build. He had a blond fade haircut and no facial hair. He appeared to be in his late 30s. PO Schultz grabbed § 87(2)(b) by his jacket and tried to pull him down to the ground for about a minute and a half. § 87(2)(b) parked her car and approached PO Schultz and her brother. PO Caballero, who was later identified as PO Justin Caballero from the 73rd Precinct, pushed § 87(2)(b) and said, "Get the fuck back." PO Caballero was a short Hispanic male officer in uniform with a medium build and sideburns, and appeared to be in his mid-thirties. He was PO Schultz's partner. PO Caballero called for back up.

PO Schultz took a baton from his belt and began to hit § 87(2)(b) all over his body. § 87(2)(b) put his hands up and yelled at the officer, "What are you doing?" The baton flew out of PO Schultz's hand. It was heavy, metal, did not expand and had a sponge like handle for gripping. It was approximately two feet long. § 87(2)(b) saw this happen and went to get the baton so PO Schultz would stop hitting her brother. § 87(2)(b) did not mention picking up any batons during her initial statement or phone statement to the CCRB. As soon as she picked it up, about 50 officers arrived on scene and PO Schultz yelled to them, "She's got my baton!" One of the officers who had arrived took the baton from her hands and let her go. § 87(2)(b) only saw uniformed officers at the scene. § 87(2)(b) began to walk around and write down officers' names and badge numbers. She was standing in front of a PO "Campbell or Campbelle" when an officer hit her with a closed fist on her left cheekbone. She does not know which officer hit her, but stated that it was not the officer who she was standing directly in front of. The fist came "out of nowhere". § 87(2)(b) stumbled back and then stood with her head down. An officer handcuffed her and escorted her to a car. In her initial statement to the CCRB, § 87(2)(b) said that she was slammed on the ground after being hit with a closed fist, and subsequently directed to stand up before officers handcuffed her. § 87(2)(b) identified the officer who handcuffed her as PO Sarco, because he was her arresting officer and spoke to her the most throughout her arrest. However, her arresting officer was PO John Siraco from PSA 3. PO Siraco was a Hispanic male officer in uniform. He was about 5'5" and appeared to be in his early thirties. He had short dark hair, no facial hair and no glasses.

As he was escorting her to the car, PO Siraco said, "Little black bitch. Now look what you did." In her initial statement to the CCRB, § 87(2)(b) alleged that PO Siraco called her, "all kinds of black bitches." § 87(2)(b) asked PO Siraco to secure her vehicle because there was a child inside. PO Siraco said, "Fuck your baby- we're calling ACS." In the car, PO Siraco accused § 87(2)(b) of hitting him, but she states that he didn't. PO Siraco was in the passenger's seat of the car. Then they got to the precinct, PO Siraco told her to get out of the car. She was not getting out very fast and PO Siraco grabbed her legs and pulled her out of the car so that she fell onto her back on the ground. § 87(2)(b) did not make this allegation during her initial statement to CCRB. However, in her initial statement to the CCRB she stated that an officer grabbed her by an arm and a leg and threw her into the back of a patrol car. She did not make this allegation in any of her subsequent statements to the CCRB. In the precinct, a plainclothes sergeant asked her what happened during the incident. He was a very tall white male with light brown hair. In the holding cell, she began to feel the symptoms of a migraine and asked for medical attention from PO Siraco, and he called an ambulance that took § 87(2)(b) to § 87(2)(b). She received an injection for pain and had a CAT scan. The left side of § 87(2)(b)'s face was swollen and she was very "achy."

§ 87(2)(b) was arrested for punching an officer, but stated that she never struck any officer during this incident.

During her initial statement, § 87(2)(b) stated that § 87(2)(b) told her after the incident that officers had stopped him and frisked him inside a store while he was purchasing tea before she arrived at § 87(2)(b) and § 87(2)(b).

Results of Investigation

Civilian Statements

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) complaining of pain to his left upper arm after being assaulted by a police officer during his arrest on that day. He told EMTs that transported him to the hospital that he was hit with a metal stick five times (encl.41a-l). On February 2, 2007, the CCRB interviewed § 87(2)(b) (encl.11a-d). § 87(2)(b) is a § 87(2)(b) black male with black hair and brown eyes. He is 5'9" and weighs 155 pounds.

On January 17, 2007, § 87(2)(b) went to a deli called § 87(2)(b) on the corner of § 87(2)(b) and § 87(2)(b). Two of his friends, § 87(2)(b) and § 87(2)(b), were in the store. § 87(2)(b) is familiar with the individuals who work in the deli. The owner is named § 87(2)(b) and there were two other employees there named "§ 87(2)(b)" and "§ 87(2)(b)". There are cameras in the store. § 87(2)(b) had no contact information for his friends, but stated that he sees them around the neighborhood and will get their contact information to provide to the CCRB. He went to the counter, ordered a hot tea, and then stood back to wait for his tea because there were other customers waiting for items as well. Two uniformed officers walked into the store before § 87(2)(b) had gotten his tea. PO1, a white male in his early 30s in uniform who was 6'1" and husky, pushed him against a wall, asked him what he was doing in the store. PO1 was later identified as PO Timothy Schultz from the 73rd precinct. PO Schultz did not have facial hair or glasses. PO2, later identified as PO Justin Caballero from the 73rd Precinct, was a Hispanic male in uniform in his late 20s. He had stubble, but no full facial hair. He was short, and slim but muscular. He told him that he was waiting for tea. PO Schultz asked him if he was selling "zip." § 87(2)(b) did not know what "zip" was, and told the officers as much. He said he was not selling anything. PO Schultz searched § 87(2)(b)'s pockets, removing the items inside, and then replacing them. PO Schultz never frisked § 87(2)(b). He also looked inside § 87(2)(b)'s shoes. PO Schultz finished searching § 87(2)(b) and told him that after he got his tea, he had to leave the store. PO Schultz and PO Caballero then left the store. § 87(2)(b) and his friends left the store after getting his tea one minute later, and went to the liquor store next door to the deli to play the New York State Lottery.

§ 87(2)(b) saw a marked patrol car across the street from § 87(2)(b). PO Schultz and PO Caballero were sitting inside. § 87(2)(b) and his friends left the liquor store and walked back toward the corner of § 87(2)(b) and § 87(2)(b). § 87(2)(b) stopped to talk to another friend of his, § 87(2)(b) who was standing on the corner. § 87(2)(b) looked across the street and made eye contact with the officers in the patrol car, which was still parked across the street from § 87(2)(b). PO Schultz and PO Caballero got out of the car and ran across the street. PO Schultz grabbed § 87(2)(b) telling him to "get on the ground." § 87(2)(b) refused to get on the ground, putting his foot out to stop himself from falling. PO Schultz told him he was going to be arrested. He asked what he was being arrested for. PO Schultz said, "Shut the fuck up. You're being an asshole."

§ 87(2)(b) saw his sister, § 87(2)(b) in her van, and she drove around the corner to park. She arrived at the scene on foot and began to tell PO Schultz to stop grabbing him. PO Caballero pushed § 87(2)(b) back and told her to "back the hell up." PO Schultz attempted to get § 87(2)(b) on the ground for a few minutes, and then pulled a small stick from his belt. § 87(2)(b) indicated that this stick appeared to be a few inches long, but expanded to be longer and made a clicking sound when expanding. PO Schultz began to hit § 87(2)(b) on the back of his calves, while holding his jacket and facing him. PO Schultz hit him on the calves three times, on his arm once, and on the back of his head three times. § 87(2)(b) fell to the ground and PO Schultz put his foot on his back. He pulled § 87(2)(b)'s arms behind his back and handcuffed § 87(2)(b). § 87(2)(b) looked up towards his sister and saw PO Caballero hit her with a closed fist on her right cheekbone. Multiple officers arrived on scene and began to try to control the crowd, which was yelling at the officers. § 87(2)(b) was also on scene. § 87(2)(b) and § 87(2)(b) were both eventually arrested, but § 87(2)(b) did not

witness their arrests. Officers picked up § 87(2)(b) and brought him to a car. § 87(2)(b) had a bruised leg, a bruised arm and a scratch over his eye. He was transported to the 79th Precinct, where PO Caballero took him to a room and took his handcuffs off, directing him to take off all of his clothes, including undergarments. § 87(2)(b) was taken to a holding cell and began to yell for medical attention. An officer who said he was a lieutenant came into the area to talk to him and agreed to call an ambulance. The officer was wearing a regular navy blue uniform. § 87(2)(b) assumed that PO3 called for an ambulance, as one arrived at the precinct 30 minutes later. The ambulance took § 87(2)(b) to § 87(2)(b), where he was given medication for pain.

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) told EMTs who transported her to § 87(2)(b) from the corner of § 87(2)(b) and § 87(2)(b) and medical personnel at the hospital that a police officer threw her onto the ground (encl.42a-n). On January 17, 2007, § 87(2)(b) called IAB to report that police picked up his wife, § 87(2)(b) and threw her on the ground. When § 87(2)(b) called, § 87(2)(b) was being treated at § 87(2)(b). He stated that he did not witness this incident, but was informed of what had happened after the fact. Lt. Henry from the 79th Precinct went to § 87(2)(b) to interview § 87(2)(b). He reported to IAB that she complained of pain to the right side of her body but no broken bones.

On March 26, 2007, the CCRB interviewed § 87(2)(b) (encl.12a-c). § 87(2)(b) is a § 87(2)(b) black female with brown eyes and brown hair. She is 5'8" and weighs 175 pounds.

On January 17, 2007, § 87(2)(b) went to the Associated Grocery Store on the corner of § 87(2)(b) and § 87(2)(b). She saw a few people standing around on the sidewalks, but nothing else. She stayed in the grocery store for "a while" and then left the grocery. When she went outside, she saw a large group of officers and civilians in the street in the intersection of § 87(2)(b) and § 87(2)(b). § 87(2)(b) could not estimate how many officers were there. § 87(2)(b) stated that "all hell was breaking loose" and the officers and civilians were "fighting and carrying on." She began to cross the street when officers ran towards her and knocked her down. She was unsure how they knocked her down. She only knows that she fell after being "rushed" by police officers. § 87(2)(b) could not recall descriptions of what any of the officers who rushed her. She only recalled that one of the officers was a blond male in uniform. A female named § 87(2)(b) approached § 87(2)(b). § 87(2)(b) did not know what § 87(2)(b)'s last name was and stated that she knew her from around the neighborhood. She described § 87(2)(b) as a "big, fat girl," and stated that § 87(2)(b) was not arrested after this incident. § 87(2)(b) told § 87(2)(b) to get up, but she couldn't. An ambulance arrived and transported § 87(2)(b) to § 87(2)(b). § 87(2)(b) did not know who called the ambulance. At § 87(2)(b) § 87(2)(b) was X-rayed and diagnosed with a bruised right shoulder. § 87(2)(b) does not know who else witnessed the incident. She stated that at some point, her family members arrived at the scene of the incident, but she does not know who called them. § 87(2)(b) stated that she later learned that two females and a male were arrested at the end of the incident. She never learned how the incident began.

§ 87(2)(b)

On February 5, 2007, § 87(2)(b) spoke briefly to the CCRB (encl.51a-u). She stated that she saw an officer search § 87(2)(b)'s pockets inside a store while § 87(2)(b) was purchasing tea. However, she stated she did not witness the force that was allegedly used against him. She made no complaints regarding her arrest or her own interactions with police officers on January 17, 2007. § 87(2)(b) did not provide an official statement to the CCRB.

Officer Statements

PO Timothy Schultz: Memobook

On January 17, 2007, PO Schultz prepared a stop and frisk report at 5:25 p.m. At 5:30 p.m. PO Schultz wrote that he and his partner made a call for additional units while on their post. At 6:30 p.m., PO Schultz went to § 87(2)(b) § 87(2)(b)

PO Timothy Schultz: Stop and Frisk Report

On January 17, 2007 at 5:20 p.m., PO Schultz created a stop and frisk report memorializing the stop of § 87(2)(b) (encl.14a-b). He was stopped and frisked at the corner of § 87(2)(b) and § 87(2)(b) inside a store for two minutes, under suspicion of criminal possession of a weapon and narcotics sales. § 87(2)(b) was identified verbally. The circumstances leading to the stop were furtive movements and actions indicative of engaging in drug transaction. Additional factors noted were a report from a victim, witness or officer, and that the area had a high incidence of the reported offense.

PO Timothy Schultz: CCRB Statement

On May 9, 2007, the CCRB interviewed PO Timothy Schultz, who was assigned to the 73rd Precinct on January 17, 2007 (encl.15a-b). PO Schultz is a § 87(2)(b)-old white male with blond hair and blue eyes. He is 5'11" and weighs 210 pounds.

On January 17, 2007, PO Schultz was working with PO Caballero doing critical response in the 79th Precinct from 3:00 p.m. to 11:35 p.m. He was in uniform and is a marked vehicle.

On January 17, PO Schultz and PO Caballero were sitting in their patrol car at the corner of § 87(2)(b) and § 87(2)(b) as was their assigned post. The owner of the bodega across the street on the corner approached the patrol car and informed the officers that there was an individual inside his store loitering, yelling, and refusing to leave and that he would like the officers to remove him from the store. PO Schultz did not know the name of the storeowner. PO Schultz described him as a middle-aged male of Middle Eastern descent. Both officers got out of the car and walked into the store with the owner, who pointed out the individual he was complaining about. There were several other individuals in the store. The officers approached the individual, later identified as § 87(2)(b) and told him that he must leave the store or be subject to arrest. PO Schultz did not recall what § 87(2)(b) was doing when the officers entered the store. PO Schultz recalled that § 87(2)(b) was angry that he had been told to leave the store, but did not recall what he said when he was told to leave the store. Neither PO Schultz nor PO Caballero had any physical contact with § 87(2)(b). Neither PO Schultz nor PO Caballero frisked § 87(2)(b). PO Schultz could not recall whether or not he or PO Caballero put their hands in § 87(2)(b)'s pockets. PO Schultz did not recall whether he made any allusions to narcotics sales, or if he suspected that § 87(2)(b) might be engaged in this sort of activity. PO Schultz and PO Caballero walked out of the store with the individual, and then returned to their patrol car. The individual stood on the corner across from the patrol car with a large group of people.

The individual threw a bottle at the patrol car. PO Schultz said that § 87(2)(b) did not bring a bottle with him from the store as he was leaving. PO Schultz never saw the bottle, and was therefore unable to describe it. The bottle hit the front hood of the car. The officers exited the vehicle and ran across the street, informing the individual, later identified as § 87(2)(b) that he was under arrest. PO Schultz grabbed § 87(2)(b)'s arm, to handcuff him, and § 87(2)(b) shoved him to the ground and began to kick and punch him. PO Schultz did not have physical or verbal interaction with any civilians other than § 87(2)(b). After thirty seconds, PO Schultz was able to roll over and get up. When he got up, he struck § 87(2)(b) several times with an asp and fell with § 87(2)(b) to the ground. When PO Schultz did so, he lost his grip on his asp and it rolled away. He didn't know what happened to it. Although PO Schultz was unable to recall on which arm he hit § 87(2)(b) he stated that it was the arm with which § 87(2)(b) was attempting to punch him. § 87(2)(b) kicked, flailed and punched PO Schultz while on the ground. The other officers who arrived helped to bring § 87(2)(b)'s arms behind his back. He was handcuffed, and an officer brought § 87(2)(b) back to a patrol car. The extent of the physical force PO Schultz used against § 87(2)(b) was the use of his asp and attempting to pull § 87(2)(b)'s arms behind his back. PO Schultz and PO Caballero went back to the 79th Precinct and another officer later transported PO Schultz to the hospital for the injuries he received when he attempted to place § 87(2)(b) under arrest. PO Schultz received a sprain to his right knee and contusions to his right arm. PO Schultz thought that § 87(2)(b) had been brought back to the 79th Precinct, but he did not see him there. He was not aware of whether or not § 87(2)(b) was strip-searched.

PO Schultz did not recall seeing any officers interacting with other civilians in the area, stating that he was concentrating on his interaction with § 87(2)(b). He did not recognize a photograph of

§ 87(2)(b) PO Schultz had never interacted with § 87(2)(b) prior to this incident. PO Schultz never said, "Shut the fuck up. You're being an asshole." PO Schultz never heard any officer say, "Get the fuck back." PO Schultz never saw any officer strike any civilian with a closed fist. PO Schultz never heard any officer call anyone a "little black bitch", nor did he hear any officer say, "Fuck your baby, we're calling ACS." PO Schultz refused to grant the CCRB access to his medical records from the date of the incident.

PO Justin Caballero: Arrest Report

On January 17, 2007, PO Caballero arrested § 87(2)(b). § 87(2)(b) was arrested for § 87(2)(b). PO Caballero wrote that he witnessed § 87(2)(b) push, shove and kick an officer on the ground. Upon trying to place the defendant under arrest he resisted arrest and was struck with an expandable baton, on his arm. The cause of the stop was due to § 87(2)(b) throwing a plastic bottle at the patrol car after being told he could not loiter in the corner store. Physical force was used to overcome § 87(2)(b)'s assault (encl. 16a-c).

PO Justin Caballero: AIDED Form

On January 17, 2007, PO Caballero created an AIDED form regarding the medical treatment related to line-of-duty injuries received by PO Timothy Schultz. § 87(2)(b)

PO Caballero: CCRB Statement

On March 28, 2007, the CCRB interviewed PO Justin Carballero, who was assigned to the 73rd precinct on January 17, 2007 (encl.19a-c). PO Carballero is a § 87(2)(b)-old white male with brown eyes and brown hair. He is 5'7" and weighs 150 pounds.

PO Carballero did not bring his memobook to the CCRB. He stated that the detail he was working that night goes from 3:00 p.m. to "around midnight." He was working critical response auto with PO Timothy Schultz, and was in uniform and in a marked vehicle. PO Carballero was in the recorder that day and PO Schultz was the operator.

On January 17, 2007, PO Carballero and PO Schultz were at their assigned post and were sitting in their vehicle, when § 87(2)(b), § 87(2)(f) and § 87(2)(b) approached the passenger's side of the vehicle and spoke with PO Carballero. The individual would not give his name to the officers and was purposely being "very discreet" in the way he approached the car. He told PO Carballero and PO Schultz that there was an individual standing in his store that had been there for an extended period of time. He stated that the individual was selling drugs, possibly crack cocaine, and that he would like the officers to get the individual out of his store. § 87(2)(b), § 87(2)(f) gave a description of the individual, stating that the person he was concerned about was a male black wearing a green jacket and a ski hat with jeans and boots, with a medium height and build. An individual matching this description was visible from the patrol car thorough a glass door in the deli, and PO Carballero confirmed that this individual was the same that § 87(2)(b), § 87(2)(f) was referring to. PO Caballero asked if the individual had any weapons and § 87(2)(b), § 87(2)(f) said that he did not know.

PO Carballero and PO Schultz entered the store and approached the individual, who was later identified as § 87(2)(b). § 87(2)(b) was standing in the store with his hands in his pockets, and he stepped back further into the store, leaning against a beverage case and "getting tense." The officers asked what § 87(2)(b) was doing in the store and he said that he was "hanging out." The officers told him that he could not just do so in a store and told him that if he was not buying anything he would have to leave the store. The officers did not make any allusions to narcotics sales when questioning § 87(2)(b). § 87(2)(b) was "hostile" and "had an attitude like he wasn't going to listen to us." The officers told the individual to remove his hands from his pockets and PO Schultz patted his pockets to ensure that he did not have a gun or a knife on him. PO Carballero said that he believed § 87(2)(b)'s mannerisms to be furtive up to that point, adding to the uncertainty of whether or not he had a weapon. The frisk was conducted for the officers' safety. The frisk did not return any hard objects. § 87(2)(b) was not searched in the store. There were other individuals in the store, and a group of males was also with § 87(2)(b).

§ 87(2)(b) However, the officers did not speak to anyone besides § 87(2)(b) The officers then left the store and went back to sit in their patrol car.

About twenty seconds later, § 87(2)(b) exited the deli and stood on the corner of the street. He was with a few of the people who had been in the store with him. He threw a plastic bottle full of liquid at the hood of the patrol car. PO Carballero noted that the bottle must have been full because it caused a dent to the car. The officers got out of their vehicle and approached § 87(2)(b) intending to place him under arrest. § 87(2)(b) began to walk away. PO Schultz approached § 87(2)(b) and grabbed him. Two unknown males, who had been in the store with § 87(2)(b) jumped on PO Schultz's back. PO Carballero grabbed the males and pulled them back, beginning to struggle with them. PO Carballero called for additional units. PO Carballero and the two males moved across the street while struggling. PO Carballero looked back towards his partner and saw § 87(2)(b) throwing PO Schultz on the ground, punching his torso and kicking at his knees. PO Carballero did not see anything that happened between PO Schultz and § 87(2)(b) before § 87(2)(b) threw his partner on the ground because he was interacting with the other two individuals. However, as soon as PO Carballero saw § 87(2)(b) on top of his partner, hitting him, he ran to help him. No other individuals were physically interacting with PO Schultz. PO Schultz was using an asp to defend himself against § 87(2)(b)'s blows. He only used it while he was on the ground. When PO Carballero got to his partner, he pulled § 87(2)(b) off of his partner, and PO Schultz got up. The officers were able to pull § 87(2)(b)'s arms behind his back and handcuff him. Neither officer used an asp or baton in order to place § 87(2)(b) in handcuffs.

Although a crowd had formed, there were more officers at the location and PO Carballero did not interact with any other civilian after placing § 87(2)(b) in handcuffs. PO Carballero did not interact with any females during this incident. When presented with a picture of § 87(2)(b) he stated that he did not recognize the person in the picture. PO Carballero did not push any females. PO Carballero did not recall any officer ever dropping his or her asp or baton. PO Carballero never told anyone, "Get the fuck back." PO Schultz never said, "Shut the fuck up. You're being an asshole," to § 87(2)(b) PO Carballero did not see anyone get punched by another officer. PO Carballero did not know how many arrests were made by the conclusion of this incident.

PO Carballero and PO Schultz were told to leave the scene, so they took § 87(2)(b) to the 79th Precinct stationhouse, because that is where they were working that night. PO Carballero was with § 87(2)(b) when the arrest was entered in the 79th Precinct command log. He stated that he did not hear any officer request authorization to strip-search § 87(2)(b) He did not hear any supervisor indicate that § 87(2)(b) should be strip-searched. PO Carballero stated that, to his knowledge, § 87(2)(b) was not strip-searched. He was not with § 87(2)(b) the entire time he was at the precinct. § 87(2)(b) complained that his arm, where he was struck by the asp, hurt, and he was taken to the hospital.

§ 87(2)(b)

Line of duty paperwork was filled out in regards to his injuries, but a search of both the 73rd Precinct and the 79th precinct by their respective ICOs could not locate the paperwork.

PO John Siraco: Memobook

According to his memobook, PO Siraco responded to a call for additional units at the corner of § 87(2)(b) and § 87(2)(b) at 5:35 p.m. At 5:42 p.m., he placed one individual under assault § 87(2)(a) 160.50 on PO Rosa. § 87(2)(a) 160.50 The defendant was § 87(2)(b) DOB § 87(2)(b), and she was transported to PSA 3 (encl. 20a-c).

PO John Siraco: Arrest Report

On January 17, 2007, at 5:42 p.m., PO John Siraco arrested § 87(2)(b). § 87(2)(b) was charged § 87(2)(a) 160.50. PO Siraco wrote that § 87(2)(b) refused to disperse after being ordered to disperse several times by officers. PO Rosa attempted to remove § 87(2)(b) at which time she was observed by PO Siraco intentionally punching PO Rosa in the

face with a closed fist, causing substantial pain and swelling to PO Rosa's face, lip, jaw and knee. Physical force was used to overcome § 87(2)(b)'s assault (encl.21a-c).

PO John Siraco: AIDED form

On January 17, 2007, PO Siraco created an AIDED form regarding PO Rosa's medical treatment for line-of-duty injuries (encl.23a-e). § 87(2)(b)

PO John Siraco: CCRB Statement

On March 27, 2007, the CCRB interviewed PO John Siraco, who was assigned to PSA 3 on January 17, 2007 (encl.24a-b). PO Siraco is a 24-year-old white male with brown hair and brown eyes. He is 5'10" and weighs 180 pounds.

On January 17, 2007, PO Siraco was working 3:00 p.m. to 11:35 p.m. in Sector C of PSA 3, which is in the confines of the 79th Precinct. PO Siraco was in uniform and in a marked car.

On January 17, 2007, PO Siraco and PO Rosa responded to a call for additional units at the corner of § 87(2)(b) and § 87(2)(b). The officers observed "a huge melee of officer and civilians", but PO Siraco was unsure how it started. PO Rosa got out of the car before PO Siraco did. PO Siraco observed § 87(2)(b) jump onto the backs of unknown officers who were placing someone under arrest. PO Rosa approached her and attempted to bring her arms behind her back. § 87(2)(b) turned and punched PO Rosa in the jaw. PO Siraco approached and attempted to get § 87(2)(b) in handcuffs. She was swinging her arms and not allowing PO Siraco and PO Rosa to get her in handcuffs. PO Rosa put § 87(2)(b) on the ground by pulling her arm back so that she would be forced onto the ground. PO Siraco stated that this is a technique taught in the academy, which is used to make it easier to handcuff an individual who is standing up and resisting arrest. PO Siraco did not punch § 87(2)(b) at any time, nor did he see any other officer do so. The officers brought § 87(2)(b)'s arms behind her back and handcuffed her. § 87(2)(b) became physically compliant with the officers and no further force was necessary in continuing to enact her arrest. The officers brought her to their patrol car and placed her inside the car. An unknown black, heavyset, middle-aged female approached the patrol car and began to kick it, and attempted to get § 87(2)(b) out of the car. Two unknown officers from an unknown command approached the female and also placed her under arrest. PO Siraco did not know this woman's relationship to § 87(2)(b) and the unknown female was taken to a different command other than PSA 3. There was no force used to enact her arrest. § 87(2)(b) mentioned that her child was on a nearby corner, but a family member was already watching the child so the child was not a concern of the officers. PO Siraco never mentioned ACS because the child was cared for, and neither did any other officer. PO Siraco never said, "Fuck your baby," and neither did any other officer.

When the officers arrived at PSA 3, § 87(2)(b) was compliant in exiting the patrol car, and PO Siraco helped her to get out by holding her arm. PO Siraco did not recall if § 87(2)(b) went to the hospital.

PO Siraco never referred to § 87(2)(b) as a "little black bitch," nor did any other officer.

PO Siraco was not paying attention to the interactions of other officers and civilians at § 87(2)(b) and § 87(2)(b) because he was focused on placing § 87(2)(b) under arrest. He did not see any officers with asps or batons out.

PO John Rosa: Memobook

According to his memobook, PO Rosa responded to a call for additional units at the corner of § 87(2)(b) and § 87(2)(b) at 5:35 p.m. on January 17, 2007. At 5:42 p.m. one individual was under arrest § 87(2)(a) 160.50 by PO Siraco. § 87(2)(a) 160.50

PO John Rosa: Line-of- Duty Report

On January 17, 2007, PO Rosa described how his line-of-duty injury was sustained in a line-of-duty injury report (encl. 26). § 87(2)(b)

PO John Rosa: CCRB Statement

On June 13, 2007, the CCRB interviewed PO John Rosa, who was assigned to PSA 3 on January 17, 2007 (encl. 27a-b). PO Rosa is a § 87(2)(b)-old white male with brown hair. He is 5'8" and weighs 165 pounds. On January 17, 2007, PO Rosa was working in sector C from 3:00 p.m. to 11:35 p.m. with PO Siraco. He was in uniform and in marked vehicle 9240.

On January 17, 2007, PO Rosa responded to a call in which officers were screaming into the radio for help at § 87(2)(b) and § 87(2)(b). When PO Rosa arrived, there was a crowd gathered and unknown officers were leading a male in handcuffs to a marked patrol car. A female in the crowd began to approach the male in handcuffs, saying, "That's my brother." No other members of the crowd attempted to approach the male in handcuffs. PO Rosa issued the female, later identified as § 87(2)(b) instructions multiple times to move back. She continued to approach the male in handcuffs. An unknown sergeant who witnessed § 87(2)(b)'s behavior instructed PO Rosa to place § 87(2)(b) under arrest. PO Rosa stood behind § 87(2)(b) and told her to place her arms behind her back and that she was under arrest. PO Rosa was standing behind § 87(2)(b) on her right side and his partner was standing on § 87(2)(b)'s left side. § 87(2)(b)'s back was facing PO Rosa when she swung her right arm backwards and hit PO Rosa in the mouth with a closed fist. PO Rosa used an arm bar to take § 87(2)(b) to the ground. PO Siraco grabbed her left arm and pulled it behind her back, and PO Rosa already had her right arm. The officers handcuffed her, picked her up and escorted her to his patrol car. After PO Rosa placed § 87(2)(b) in the patrol car, he stood outside the car and waited for PO Siraco to figure out how to drive the patrol car away from the scene, as it was blocked in by other patrol cars. A female approached PO Rosa and refused to get back, saying that the female he had just arrested was her sister. She was placed under arrest by other officers.

When the officers got to their command and they instructed § 87(2)(b) to get out of the car, she said, "No. Go fuck yourself." The officers grabbed § 87(2)(b)'s arms and pulled her out of the car. Neither PO Rosa nor PO Siraco grabbed § 87(2)(b)'s legs to get her out of the car. § 87(2)(b) did not complain of any pain or injuries to PO Rosa.

PO Rosa had a contusion to the mouth from § 87(2)(b)'s punch and a contusion on his knee from falling to the ground, for which he was treated at § 87(2)(b) that day. He did not punch § 87(2)(b). He did not see any officer punch § 87(2)(b). He did not hear any officer call § 87(2)(b) a "Little black bitch." He did not hear any officer say, "Fuck your baby- we're calling ACS." He did not hear § 87(2)(b) refer to having a child at all while she was in his custody.

PO Rosa never saw any officer push any member of the crowd causing them to fall over.

PO Robert Mosca: Memobook

According to his memobook, PO Mosca was present for duty at 5:30 p.m. and immediately responded to an 85 (call for additional units) at § 87(2)(b) and § 87(2)(b). At 5:41 p.m., one individual was placed under arrest. The individual was § 87(2)(b) who was placed under arrest at § 87(2)(b) and § 87(2)(b). § 87(2)(b). At 5:50 p.m., PO Harris during search incident to lawful arrest, recovered marijuana from § 87(2)(b)'s left back pants pocket (encl.28a-c).

PO Robert Mosca: Line-of-Duty Report

On January 17, 2007, PO Mosca described how his line-of-duty injury was sustained in a line-of-duty injury report. § 87(2)(b)

PO Robert Mosca: CCRB Statement

On March 30, 2007, the CCRB interviewed PO Robert Mosca, who was assigned to the 79th Precinct on January 17, 2007 (encl.30a-b). PO Mosca is a § 87(2)(b)-old white male with brown hair and brown eyes. He is 5'6" and weighs 155 pounds.

On January 17, 2007, PO Mosca was in uniform. He responded to the call for additional units at § 87(2)(b) and § 87(2)(b) before roll call that day, and did not have an assignment or partner at the time of the incident. He was working from 5:30 p.m. to 2:05 a.m.

On January 17, 2007, PO Mosca arrived at the 79th Precinct stationhouse and was told by a supervisor to go to § 87(2)(b) and § 87(2)(b). A call for additional units had just been made and it sounded as if the officers at that location were in some sort of danger. PO Mosca did not know which officers called for additional units. When PO Mosca arrived, there was a crowd on the street and the sidewalk. Two officers were grappling with three males. Neither officer had an asp or baton out. PO Mosca did see a closed asp rolling past him at some point. He did not know where it came from and did not see where it went. However, there were a lot of officers there so PO Mosca went to the sidewalk to perform crowd control duties. PO Mosca saw an unknown older black female fall over near the corner of the sidewalk. She was standing a few feet away from an unidentified officer, but it did not appear that she had been pushed. Lt. Henry was at the scene and instructed officers to resume patrol because everything was under control. PO Mosca began to walk back to his car when he saw § 87(2)(b) who approached him and told him that she wanted to get to her sister. § 87(2)(b)'s sister was sitting in a nearby patrol car. PO Mosca informed her that she could not speak with her sister and that she would have to step back. § 87(2)(b) did not comply and attempted to push past PO Mosca, hitting him with her shoulder. PO Mosca placed her under arrest. § 87(2)(b) was resisting by lunging at the car and flailing her arms. At some point, PO Mosca sustained a laceration to his thumb, which he assumed was from her jewelry. PO Mosca did not see anyone trying to get to the patrol car except for § 87(2)(b). He transported § 87(2)(b) back to the precinct and gave the arrest to PO Columbini, going to the hospital for a checkup.

PO Mosca did not see anyone get arrested other than § 87(2)(b). He described § 87(2)(b) as a black female in her twenties who was of medium height and medium build.

PO Mosca went to the hospital with one of the officers who called the 85. This officer told him that they had been at a post, one officer in the patrol car and one officer out of the patrol car. They had observed an individual in the bodega selling narcotics and they approached him and told him not to do that in the bodega. He left the scene and came back and threw a bottle at their car. Their attempt to arrest him resulted in a physical altercation. PO Mosca did not know this officer's name.

PO Mosca was presented with a picture of § 87(2)(b) and a picture of § 87(2)(b). He did not recognize either one of these individuals.

PO Mosca did not hear any officer call any civilian a "Little black bitch" or say, "Fuck your baby."

PO Peter Columbini: Memobook

According to his memobook, on January 17, 2007, at 5:34 p.m. PO Columbini responded to a call for additional units at § 87(2)(b) and § 87(2)(b). At 5:50 he arrived at the 79th Precinct. At 6:00 p.m. he processed arrest paperwork for PO Mosca (encl.31a-b).

PO Peter Columbini: Line-of-Duty Witness Statement

§ 87(2)(b)

PO Peter Columbini: AIDED Form

On January 17, 2007, PO Columbini created an AIDED form regarding PO Rosa's medical treatment for line-of-duty injuries. § 87(2)(b)

PO Peter Columbini: CCRB Statement

On June 21, 2007, the CCRB interviewed PO Peter Columbini, who was assigned to the 79th Precinct on January 17, 2007 (encl. 35a-b). PO Columbini is a § 87(2)(b)-old white male with brown hair and brown eyes. He is 5'11" and weighs 185 pounds. On January 17, 2007, PO Columbini was assigned to a target post 5 for Patrol Borough Brooklyn North from 5:30 p.m. to 2:05 a.m. He was in uniform and was working alone. However, at the time of the incident he had not yet begun his assignment for that tour.

On January 17, 2007, PO Columbini responded to a 10-85 at § 87(2)(b) and § 87(2)(b). Individuals at that location had been throwing bottles at a patrol car. When he got to the location, there was a large crowd "screaming and yelling." He began to perform crowd control duties. He did not interact with any members of the crowd in particular. He witnessed PO Mosca's arrest. He did not recall the name of PO Mosca's arrest- he stated that he thought it had been § 87(2)(b) but did not recognize a picture of § 87(2)(b) when presented with one by the CCRB.

PO Columbini stated that he could not really recall the circumstances surrounding PO Mosca's arrest. He stated that the female who was arrested was screaming and pointing her finger in officers' faces because her sister had previously been arrested and placed in a patrol car. He believed that she was arrested § 87(2)(b). PO Columbini did not recall if the individual who he saw get arrested was compliant in being handcuffed. He did not know how many arrests were made at § 87(2)(b) and § 87(2)(b). He did not witness any members of the crowd assault any police officers at the location. He did not see any officer punch any civilian. PO Columbini never heard any officer call anyone a "little black bitch." He did not hear any officer say, "Fuck your baby. We're calling ACS."

PO Anthony Saunders: AIDED form

On January 17, 2007, PO Anthony Saunders created an AIDED form for § 87(2)(b). He wrote that § 87(2)(b) stated that a male white officer pushed her down to the ground on the sidewalk during a police incident causing pain and soreness to the right side of her body (encl. 37a-e).

PO Anthony Saunders: CCRB Statement

On March 29, 2007, the CCRB interviewed PO Anthony Saunders (encl. 38a-b). PO Saunders is a § 87(2)(b)-old black male with black hair and brown eyes. He is 5'7" and weighs 240 pounds. He had no entries in his memobook regarding the incident.

On January 17, 2007, PO Saunders was the community affairs officer for the 79th Precinct. He was dressed in business attire and was working alone from 2:37 p.m. to 11:00 p.m.

PO Saunders responded to a call for additional units at § 87(2)(b) and § 87(2)(b) on January 17, 2007. He went to the corner and witnessed officers putting a female in a patrol car. About twenty officers and twenty civilians were at the scene. PO Saunders stated that the female was between twenty-five and thirty years old, and was black with a medium build. When the CCRB presented PO Saunders with a photo of § 87(2)(b) he stated that he was not sure if it was a photo of the woman he saw. He stated that the female seemed upset but there was nothing unusual about her behavior or appearance. He did not see any visible injuries on the female, and he did not see which command she was being arrested by. The officers on scene were then instructed to resume patrol. PO Saunders returned to the stationhouse. Sgt. Cahill approached him in the stationhouse and told him that they had to go to § 87(2)(b) where someone was injured as a result of this incident.

The officers responded to the hospital. PO Saunders interviewed the woman who claimed that she had been pushed by an officer and had gotten caught up in the crowd. She said that he had been grocery

shopping. PO Saunders said that he spoke to a nurse who told him that the female was complaining of pain to one side of her body.

PO Saunders did not hear any officer say, "Fuck your baby- we're calling ACS." He did not hear any officers call any females a "little black bitch."

Attempts to Locate and Identify Additional Witnesses

§ 87(2)(b) was unable to provide full names for any alleged witnesses to the incident, aside from § 87(2)(b) and § 87(2)(b). He stated that he had seen these individuals around the neighborhood, but had no other information about them. He stated that he would get their contact information for the CCRB, but failed to do so. The CCRB was unable to perform an effective search of available databases with no information regarding an address, birthdate or phone number for either of these individuals. However, the CCRB performed a Lexis Nexis search, assuming that both individuals lived in Brooklyn, using only the parameters of their name and supposed borough of residence. Results, however, were negative.

§ 87(2)(b) provided the street names and first names of individuals who work in the deli where PO Schultz and PO Caballero allegedly stopped him. Although he stated that the deli was called "§ 87(2)(b)" there is only one deli or bodega on or nearby the corner of § 87(2)(b) and § 87(2)(b) called "§ 87(2)(b)". A canvass of the store on June 10, 2007, for witnesses bore negative results. The CCRB spoke to the manager of the deli who stated that he and all of the employees therein had not witnessed the incident, and that he and the other employees had been working at the deli for only two months. He was provided with multiple business cards to provide to other employees. No employee of § 87(2)(b) ever contacted the CCRB (encl. 51a-u).

Injuries and Medical Treatment

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) was picked up in an ambulance from PSA 3, stating that she had been hit in the head and face during an altercation with police officers, and that she had a migraine. The EMT noted that § 87(2)(b) had no swelling, deformity, or dizziness.

On § 87(2)(b), § 87(2)(b) was admitted to § 87(2)(b). She complained of a headache as a result of being hit in the face by police during her arrest. She denied tenderness to the left side of her cheek. She was given a CT scan, which was unremarkable, and released (40a-l).

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) was picked up in an ambulance from the 79th Precinct after complaining of upper left arm pain after being struck with a metal stick. The EMT noted that there were no obvious abnormalities to the area.

On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b). According to the nurse's notes, he complained of a right arm injury as a result of an assault by a police officer. According to the doctor's notes, he stated that an hour ago he was physically assaulted by police and got hit on his left arm. According to the doctor's assessment, there was mild swelling to his left upper arm. An X-ray was performed and was negative for signs of dislocation (encl.41a-l).

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) was picked up by an ambulance from the corner of § 87(2)(b) and § 87(2)(b) where she was found sitting on the ground. She stated that a police officer threw her onto the ground, and complained of pain when she stood up.

On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b) after complaining to medical personnel that police officers threw her on the ground, resulting in pain to her right shoulder and the right side of her back. She stated that she was unable to move her hand above her shoulder. She was released with Tylenol. An X-ray indicated that her right shoulder was not dislocated (encl.42a-n).

Communications Records

A radio message came over from an unknown unit that at § 87(2)(b) there was a possible crime, relating to narcotics sales.

A minute later, a message from CRV post 7 was transmitted. An officer, who sounded like PO Schultz, stated, "Get another unit over here at § 87(2)(b) and § 87(2)(b). It's for crowd control." The 79th Precinct sergeant responded.

Another message came over the radio. An unknown officer yelled, "Get a fucking unit over here, now! § 87(2)(b) and § 87(2)(b)." and § 87(2)(b).

Another message came over the radio. There was indiscernible yelling, and an officer said, "Now!"

Nothing else was heard from CRV Post 7- the 79th Precinct impact sergeant indicated that no further units were needed at § 87(2)(b) and § 87(2)(b). The 79th Precinct lieutenant indicated that aviation was no longer needed.

§ 87(2)(b) called 911 to report that he was at § 87(2)(b) and his wife had been hit by a police officer. He stated that they were in the emergency room. He said that he was told the officers picked her up and threw her on the ground. He was connected to IAB. IAB asked if there was a job at that location and the operator confirmed that there had been a 10-13 at § 87(2)(b) and § 87(2)(b).

IAB asked that the sergeant and lieutenant from the 79 who were onscene call IAB (encl.43a-b).

Police Documents

Command Log

The command log for the 79th precinct noted that § 87(2)(b) was logged into the precinct at 5:45 p.m. on January 17, 2007. He was taken to § 87(2)(b) at § 87(2)(b). It was noted that he appeared normal, and medical attention was not requested. No strip search was noted (encl. 46a-b).

§ 87(2)(b)'s Arrest Photo

§ 87(2)(b)'s Arrest photo is unremarkable with regards to visible marks or injuries on her face. There is no visible swelling to her left cheek (encl.45).

Criminal History of the Civilian

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Substantiated Allegations which resulted in the Imposition of Discipline

PO Timothy Schultz, PO Justin Caballero, and PO John Rosa have never had any CCRB allegations substantiated against them in their respective three, four and three years of tenure (encls.2-4).

Status of Civil Lawsuit

According to the New York City Comptroller's Office, as of September 4, 2007 no notice of claim had been filed by [§ 87(2)(b)], [§ 87(2)(b)] or [§ 87(2)(b)] in regards to this incident (encl.50).

Conclusions and Recommendations

Officer Identification

[§ 87(2)(b)], [§ 87(2)(b)], PO Schultz and PO Caballero all agreed that PO Schultz initially began to physically struggle with [§ 87(2)(b)] at the corner or [§ 87(2)(b)] and [§ 87(2)(b)] on January 17, 2007 before additional officers were called to the scene, and that PO Caballero began performing crowd control duties. [§ 87(2)(g), § 87(2)(b)]

[§ 87(2)(b)] identified the officer who used force against her, called her a "little black bitch," and told her, "Fuck your baby- we're calling ACS," as her arresting officer, PO Siraco. She stated that she believed her arresting officer to be the one with whom she interacted the most. [§ 87(2)(g), § 87(2)(b)]

Additionally, [§ 87(2)(b)] stated that the subject officer in her allegations accused her of hitting him, and was seated in the passenger's seat of the patrol car that transported her to PSA 3. PO Rosa received a line of duty injury in which [§ 87(2)(b)] allegedly struck him in the face, not PO Siraco, and according to PO Rosa's memobook and CCRB statement, PO Siraco was the operator of their assigned patrol car. [§ 87(2)(b), § 87(2)(g)]

[§ 87(2)(b)] stated that she did not know which officer punched her in the face, and that she just saw a hand strike her but had no idea from whence it came. [§ 87(2)(g)]

[§ 87(2)(b), § 87(2)(g)]

Undisputed Facts

It is undisputed that PO Schultz and PO Caballero stopped § 87(2)(b) inside a deli on the corner of § 87(2)(b) and § 87(2)(b) in Brooklyn on January 17, 2007. It is undisputed that PO Schultz struck § 87(2)(b) with an asp. It is undisputed that PO Rosa used physical force against § 87(2)(b).

Disputed Facts

§ 87(2)(g), § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Assessment of Evidence

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
He stated that he was stopped by the officers inside § 87(2)(b) and searched by PO Schultz. PO Caballero and PO Schultz both indicated that they were asked to speak with § 87(2)(b) by the owner of the deli. § 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
Neither officer had any information regarding the identification of the storeowner. § 87(2)(b), § 87(2)(g)
§ 87(2)(b)

Additionally, communications records indicated that the officers put over a call for possible narcotics sales at § 87(2)(b) (the address of § 87(2)(b) five minutes before the time of the incident, and the stop and frisk report alluded to narcotics sales. § 87(2)(b), § 87(2)(g)
Additionally, PO Mosca indicated that on the way to the hospital PO Schultz told him that he had stopped an individual for narcotics sales and that the individual threw a bottle at the officers after being stopped. § 87(2)(b)
§ 87(2)(b)'s arrest report made reference to alleged loitering, but not to narcotics. Though § 87(2)(b) stated that she saw her brother get searched in the store, § 87(2)(b) named the witnesses he knew in the store and did not say his sister was in the store to witness the allegation. PO Schultz testified that § 87(2)(b) left the store with the officers, did not have a bottle at that time in his possession, but threw a bottle at the car seconds later. § 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) stated that PO Schultz ran at him and attempted to put him on the ground without cause after he exited the deli and was simply standing on the corner. § 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) indicated that PO Schultz used an asp against him in order to get him onto the ground, and in doing so hit him on the calves, on the arms and on the back of the head. As a result of the

officer's actions, § 87(2)(b) stated that he received a bruised leg, a bruised arm and a cut over his eye. However, according to medical records § 87(2)(b) complained that he was hit in the arm with a metal stick, and his left upper arm was swollen. He did not complain of being struck anywhere else or of any other injuries. PO Schultz indicated that he struck § 87(2)(b) with an asp on his arm, § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) No cursing can be heard directed at any civilian. § 87(2)(b), § 87(2)(g) The command log entry regarding § 87(2)(b)'s arrest did not indicate that any strip-search had taken place. § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) She indicated that she was attempting to take officers' names when an unknown officer punched her on the left side of her face. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) initially stated to the CCRB that an officer threw her into a patrol car by her arm and leg. She did not make this allegation during her official statement, and instead made a new allegation that PO Rosa pulled her out of the patrol car by her legs, causing her to fall from the car to the ground on her back while she was handcuffed. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) She stated that he was doing nothing, standing with no one, speaking with no one, and an officer ran at him and attempted to place him on the ground. § 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(2)(b)

Determination of Fact

§ 87(2)(g), § 87(2)(b)

Allegations and Analysis

Allegation A: PO Timothy Schultz stopped § 87(2)(b)

Allegation B: PO Justin Caballero stopped § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegation C: PO Timothy Schultz searched § 87(2)(b)

Allegation D: PO Timothy Schultz spoke rudely to § 87(2)(b)

Allegation O: PO Justin Caballero strip-searched § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegation E: PO Timothy Schultz struck § 87(2)(b) **with an asp.**

§ 87(2)(g), § 87(2)(b)

According to the NYPD Scale of Escalating Force, impact techniques such as an asp or baton are appropriate when an officer faces physical assault likely to cause injury (encl.1). § 87(2)(g), § 87(2)(b)

Allegation F: PO Justin Caballero used physical force against § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegation G: An officer used physical force against § 87(2)(b)

Allegation H: PO John Rosa made remarks to § 87(2)(b) **based upon her sex and race.**

Allegation I: PO John Rosa threatened to notify Administration for Children's Services.

Allegation J: PO John Rosa used physical force against § 87(2)(b)

Allegation K: Officers spoke rudely to § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegation L: An officer threatened § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegation M: An officer used physical force against § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegation N: Officers used physical force against § 87(2)(b)

§ 87(2)(b) was unsure whether or not there was a subject officer in her allegation or multiple subject officers, and could not recall the appearance of said officers. There were officers from the 79th Precinct, 73rd Precinct, PSA 3, 81st Precinct and 83rd Precinct that responded to the call for additional units.

§ 87(2)(g)

Date:

Date:

Date:

Date: